IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 325 OF 2006

Sudhir Ramchandra Rao ...
Petitioner

V/s.

Bank of India & Anr. ...Respondents.

WITH

WRIT PETITION NO. 3012 OF 2005

Sudhir Ramchandra Rao ...
Petitioner

V/s.

Bank of India & Anr. ...Respondents.

IN BOTH PETITIONS:

Mr. P.M. Palshikar for the Petitioner

Mr. R.S. Pai instructed by M/s. Haresh Mehta & Co.
for the Respondents.

CORAM: KSHITIJ R. VYAS, C.J., &
S.C. DHARMADHIKARI, J.
DATE: FEBRUARY 27, 2006.

P.C.:-

1. The petitioner in both the petitions challenges the authority of the respondent-bank to recover any amount from the salary, legal dues, deposits, terminal dues, etc., by changing terms and conditions of his appointment retrospectively and after 14 months of completion of tenure and has prayed for a direction to the respondents not to attach the personal accounts, fixed deposits, terminal dues and to pay all the retirement and pensionary benefits to the petitioner, which have been denied by reason of the impugned order dated 8th November, 2005.

2. During the course of the hearing, the learned counsel appearing for the respondents has stated that by filing the charge-sheet against the petitioner, the respondents have initiated a departmental inquiry against him; and hence, the respondent-bank is justified in retaining / recovering the amount from him.

3. Since the petitioner has challenged the impugned order and the departmental inquiry and by filing the charge-sheet, the respondents have already initiated the inquiry, it is not

desirable for us to examine the matter on merits; and the following directions will meet the ends of justice:-

(a) The inquiry initiated by the respondents at Mumbai shall be completed on or before 31st May, 2006, provided the petitioner co-operates. The learned counsel appearing for the petitioner has assured that the petitioner would fully co-operate with the Inquiry Officer and would not seek any unnecessary adjournment.

(b) The respondent-bank shall retain Rs.10,00,000/- (Rupees Ten Lakhs only), being the lumpsum amount, to meet with the alleged loss occurred to it, subject to the decision that may be rendered in the inquiry, and shall release the balance amount to the petitioner within two weeks from today.

(c) The petitioner shall be at liberty to raise all contentions available to him in the inquiry, and the respondent-bank shall decide the same in accordance with law by passing reasoned order.

4. Both the petitions accordingly stand disposed of.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.